

REMARKS/ARGUMENTS

After the foregoing amendments, claims 1-24 remain pending in this application. Claims 1-14, 16-18, 20, 21, 23 and 24 have been amended. Applicants respectfully submit that no new matter has been introduced into the application by these amendments.

Claim Rejections - 35 USC § 102(e)

Claims 12-13, 15, 16 and 20-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Leeke (U.S. Pat. No. 6,587,127).

Leeke discloses a second display region that displays auxiliary information about an event, where the auxiliary information is dependent upon the type of event and a “user-initiated selection of the information control.” See Leeke, col. 17, lines 34-40. The auxiliary information is displayed on the second display region simultaneously with the related event, which is displayed on the first display region. For example, the second display region may display team logos, the score and sporting-related advertisements while the user views, or listens to a sporting event on the first display region. See Leeke, col. 17, lines 41-45.

By way of distinction, the present invention is a recorded performance is comprised of event specific material based upon an event client’s input and a complimentary DJ performance fixed on the recording. Unlike Leeke, the present invention does not broadcast, display or perform the event client information and DJ performance contemporaneously with another event, such as a live sporting event. The present invention contains this performance for performance at a future

date. Further, Leeke does not disclose use of DJ performance materials. Claims 12, 20, and 23 include these unique features. As such, Applicants respectfully submit that claims 12, 20, and 23 are not anticipated by Leeke under 35 U.S.C. § 102(e). Applicants also respectfully submit that because independent claims 12 and 20 are not anticipated by Leeke, neither are claims 13, 15-16, 21, and 22, which depend therefrom.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 12-13, 15, 16 and 20-23 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-3, 5-11, 14, 17 and 19 stand rejected under 35 U.S.C. § 103 as being obvious in view of Leeke (U.S. Pat. No. 6,587,127).

Leeke discloses a user storage device that caches broadcast images and audio files as the user enjoys a performance. See Leeke, col. 48, lines 39-41, and 49. Leeke does not disclose a storage device containing a recorded performance for later play back. The storage device simultaneously records a performance and, according to the Examiner, it would be obvious to store the performance on the recording device as a “back-up” in case of system failure. Even if the Examiner’s position were tenable, it still would not meet the claimed invention of a personalized performance package.

Unlike Leeke, the recording media of the present invention does not “cache” or “back-up” a performance as it is performed. The present invention is a recording of a personalized performance that an event client broadcasts at a later, predetermined event. Claims 1 and 12 recite these unique features. As such, Applicants respectfully submit that claims 1 and 12 are not obvious in view of Leeke under 35 U.S.C. § 103. Because independent claims 1 and 12 are not obvious in view of Leeke, neither are their dependent claims 2-3, 5-11, 14, 17, and 19.

Applicants also respectfully submit that claims 10, 14, 17 and 19 are non-obvious in view of Leeke for the following additional reasons. Specifically, claim 10 recites that the event specific material includes “guest” information; “guests” referring to event guests. Leeke refers to “guests”; however, Leeke’s guests are “in-studio” guests at a sporting contest, such as experts, that assist the hosts. This is emphasized by the fact that “guests” is listed after “team logs,” and sporting contest “hosts.” Leeke, col. 17, lines 40-41. Claim 14 recites that the stored information includes stories and idiosyncrasies about event guests, such as jokes, anecdotes, etc. Leeke discloses “location information” and “topics,” but this information is not related to event guests. Claims 17 and 19 claim storing advertising images and audio files on a storage device and then providing the device to the client for a security deposit. These steps are not obvious in view of Leeke.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103 rejection of claims 1-3, 5-11, 14, 17 and 19 is respectfully requested.

Claims 3, 18, and 24 stand rejected under 35 U.S.C. § 103 as being obvious over Leeke (U.S. Pat. No. 6,587,127) in view of Bakos (U.S. Pat. No. 6,511,728). It was noted that Bakos discloses an optical media that can only be used for a limited period of time. Applicants respectfully submit that it would not be obvious to use the media disclosed in Bakos with Leeke's system because Leeke does not contemplate providing a recording media with a performance thereon to a client for a later performance. As stated earlier, the recording media in Leeke contemporaneously records a performance to improve the system; thus, there is no suggestion that the performance would be provided to the client for a limited time. Applicants respectfully submit that claims 3, 18 and 24 are not obvious over Leeke in view of Bakos.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103 rejection of claims 3, 18, and 24 is respectfully requested.

Conclusion

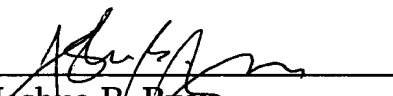
Applicants respectfully request further examination of the application based on the above-referenced amendments and arguments. If the Examiner believes that an interview will advance prosecution of this application, at the Examiner is invited to contact the undersigned to arrange an interview at the Examiner's convenience.

Applicant: Volpe et al.
Application No.: 09/844,057

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 1 - 24, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Volpe et al.

By 
Joshua B. Ryan
Registration No. 56,438

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

JMG/JBR/djw